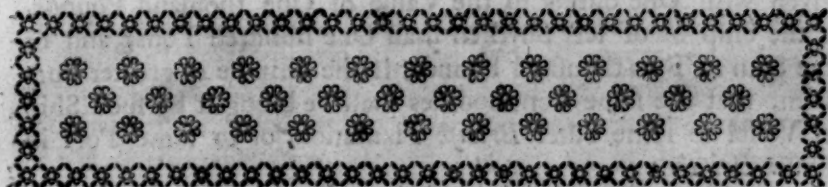


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B I L L

T O

Restrain the Trade and Commerce of the Province of *Massachusetts Bay* and *New Hampshire*, and Colonies of *Connecticut* and *Rhode Island*, and *Providence Plantation*, in *North America*, to *Great Britain*, *Ireland*, and the *British Islands* in the *West Indies*; and to prohibit such Provinces and Colonies from carrying on any Fishery on the Banks of *Newfoundland*, or other Places therein to be mentioned, under certain Conditions, and for a Time to be limited.

Note.—The Figures in the Margin denote the Number of the Folios in the Written Copy.

XXXXX HEREBY, by an Act, made in the Twelfth  
W Year of the Reign of King *Charles* the Second,  
intituled, “ An Act for the encouraging and in-  
creasing of Shipping and Navigation,” and by  
XXXXX several subsequent Acts of Parliament, which are  
now in Force, it is, amongst other Things, Enacted, That for  
every Ship or Vessel which shall load any Commodities in those  
Acts particularly enumerated, at any *British* Plantation, being  
the Growth, Product, or Manufacture thereof, Bonds shall be  
A given

given with One Surety to the Value of One thousand Pounds, if the Ship be of less Burthen than One hundred Tons, and of the Sum of Two thousand Pounds, if the Ship be of greater Burthen, that the same Commodities shall be brought by such Ship or Vessel to some other *British* Plantation, or to some Port in *Great Britain* :

2 And whereas, by several other Acts of Parliament which are now in Force, no Commodities of the Growth, Product, or Manufacture, of *Europe* (except Salt for the Fisheries, Wines of the *Madeiras* and *Azores*, and *Western Islands*, and Victual and Linen Cloth from *Ireland*, under the Restrictions in such Acts particularly mentioned) can be imported into any Plantation, Colony, Territory, or Place, belonging to His Majesty, in *Asia*, *Africa*, or *America*, but what shall be *bona fide*, and without Fraud, laden and shipped in *Great Britain*, and carried directly from thence :

3 And whereas, during the Continuance of the Combinations and Disorders which at this Time prevail within the Provinces of *Massachusetts Bay* and *New Hampshire*, and the Colonies of *Connecticut* and *Rhode Island*, to the Obstruction of the Commerce of these Kingdoms, and other His Majesty's Dominions, and in Breach and Violation of the Laws of this Realm, it is highly unfit that the Inhabitants of the said Provinces and Colonies should enjoy the same Privileges of Trade, and the same Benefits and Advantages, to which His Majesty's faithful and obedient Subjects are entitled; Be it therefore Enacted by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the and during the Continuance of this Act, no Goods, Wares, or Merchandizes, particularly enumerated in and by the said Act, made in the Twelfth Year of King *Charles* the Second, or any other Act, being the Growth, Product, or Manufacture, of the Provinces of *Massachusetts Bay* or *New Hampshire*, or Colonies of *Connecticut*, *Rhode Island*, or *Providence Plantation*, in *North America*, or any or either of them, which are to be brought to some other *British* Colony, or to *Great Britain*; or any such enumerated Goods, Wares, or Merchandize, which shall at any Time or Times have been imported or brought into the said Provinces or Colonies, or any



any or either of them; shall be shipped, carried, conveyed, or transported, from any of the said Provinces or Colonies respectively, to any Land, Island, Territory, Dominion, Port, or Place whatsoever, other than to *Great Britain*, or some of the *British* Islands in the *West Indies*, to be laid on Shore there; and that no other Goods, Wares, or Merchandizes whatsoever, of the Growth, Product, or Manufacture, of the Provinces or Colonies hereinbefore mentioned, or which shall at any Time or Times have been imported or brought into the same, shall, from and after the said

and during the Continuance of this Act, be shipped, carried, conveyed, or transported, from any of the said Provinces or Colonies respectively, to any Land, Island, Territory, Dominion, Port, or Place whatsoever, other than to the Kingdoms of *Great Britain* or *Ireland*, or to some of the *British* Islands in the *West Indies*, to be laid on Shore there, any Law, Custom, or Usage, to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That from and after the said before any Ship or Vessel shall lade or take on Board any Goods as aforesaid, in any or either of the Provinces or Colonies before-mentioned, sufficient Bond, with One Surety besides the Master of such Ship or Vessel, shall be given to the Collector or other principal Officer of the Customs at the Port or Place where such Goods are intended to be laden or taken on Board, in the Penalty of if the Ship be of less Burthen than

and of the Sum of

Tons,

if the Ship shall be of that or any greater Burthen, with Condition that such enumerated Goods shall not be landed or put on Shore at or upon any Land, Island, Territory, Dominion, Port, or Place whatsoever, other than and except some Port or Place within the Kingdom of *Great Britain*, or some of the *British* Islands in the *West Indies*, and that all other Goods, Wares, or Merchandizes, so intended to be laden as aforesaid, shall not be landed or put on Shore at or upon any Land, Island, Territory, Dominion, Port or Place whatsoever, other than and except some Port or Place within the Kingdoms of *Great Britain* or *Ireland*, or some of the *British* Islands of the *West Indies*; and with further Condition to bring a Certificate in Discharge thereof, within

Months from the Date of such Bond, for such of the said Goods as shall be entered

for

for or landed in *Great Britain* or *Ireland* respectively, and within Months for such of the said Goods as shall be entered for or landed in any of the *British* Islands in the *West Indies*; which respective Certificates shall be under the Hands and Seals of Office of the Collector and Comptroller, or other principal Officer of the Customs, resident at the Port or Place where such Goods shall be landed, testifying the Landing thereof, or such Bond or Bonds shall and may be discharged by Proof upon Oath made by credible Persons, that the said Goods were taken by Enemies, or perished in the Seas.

And it is hereby further Enacted by the Authority aforesaid, That where any such Bond or Bonds shall be given as aforesaid, in pursuance of this Act, the Collector, or other principal Officer of the Customs, to whom such Bond or Bonds shall have been given, shall deliver under his Hand and Seal of Office, without Fee or Reward, to the Master of the Ship or Vessel taking in such Goods, for the Security of her Navigation, a Certificate that such Bond or Bonds hath or have been given, expressing therein the Quantity and Species of the Goods, with the Marks and Numbers of the Packages, and the Port or Place for which they were entered; and if any such Goods shall be laden on Board any such Ship or Vessel, in any of the Provinces or Colonies in this Act beforementioned, before such Bond or Bonds shall be given, or shall be found on board any Ship or Vessel, without the Certificate hereinbefore directed, that such Bond or Bonds hath or have been given, the Goods so laden, together with the Ship or Vessel, with her Guns, Ammunition, Tackle, Apparel, and Furniture, shall be and if any Goods so laden as aforesaid shall be landed or discharged at any Port or Place, contrary to the Intent and Meaning of this Act, over and above the Penalty of the Bond or Bonds, the Shipper and Owner of such Goods, and the Master or Person taking Charge of the Vessel on board which they were laden, shall respectively forfeit the full Value of the Goods so landed or discharged, to be estimated according to the highest Price or Value which such Sort of Goods bear in the Province or Colony where and at the Time when they were shipped and laden; which Ship and Goods may be seized and prosecuted, or the Value of such Goods prosecuted for, by any Admiral, Chief Commander, or Commissioned Officer, of His Majesty's Fleet or Ships of War, or by any Officer of



of His Majesty's Customs, in the Manner hereinafter directed.

And it is hereby further Enacted by the Authority aforesaid, That from and after the said

and during the Continuance of this Act, no Sort of Wines, Salt, or any Goods or Commodities whatsoever (except Horses, Victual, and Linen Cloth, the Produce and Manufacture of *Ireland*, imported directly from thence) shall be imported into any of the said Colonies or Provinces hereinbefore respectively mentioned, upon any Pretence whatsoever, unless such Goods shall be *bona fide*, and without Fraud, laden and shipped in *Great Britain*, and carried directly from thence, upon Forfeiture thereof, and of the Ship or Vessel on Board which such Goods shall be laden; and it shall be lawful for any Admiral, Chief Commander, or Commissioned Officer, of His Majesty's Fleet or Ships of War, or any Officer of His Majesty's Customs, to

any Ship or Vessel arriving at any of the said Provinces or Colonies before mentioned, or which shall be discovered within 10 Leagues of any Shore thereof, having such Goods on Board, and the Goods laden thereon (except as before excepted) for which the Master, or other Person taking Charge of such Ship or Vessel, shall not produce a Cocket or Clearance from the Collector or proper Officer of His Majesty's Customs, certifying that the said Goods were laden on Board the said Ship or Vessel in some Port of *Great Britain*, any Law, Custom, or Usage to the contrary notwithstanding.

Provided always, and it is hereby further Enacted by the Authority aforesaid, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to prohibit the Exportation or carrying out from any of the Provinces or Colonies before mentioned, or the Importation into the same, of any Goods or Commodities whatsoever, for the victualling or providing any of His Majesty's Ships of War, or other Ships or Vessels in His Majesty's Service, or for His Majesty's Forces, Forts, or Garisons, any thing herein contained 11 to the contrary notwithstanding.

And provided also, That nothing herein contained shall extend, or be construed to extend, to hinder or restrain the lawful Importation into any or either of the said Provinces or Colonies

Colonies hereinbefore mentioned, from any of the *British* Islands in the *West Indies*, of any such Goods or Commodities, being the Growth or Produce thereof, as may now by Law be imported from thence into the said Provinces or Colonies, or any or either of them.

- And it is hereby further Enacted by the Authority aforesaid, That if any Ship or Vessel, not belonging to and fitted out from *Great Britain* or *Ireland*, or the Islands of *Guernsey* or *Jersey*, shall be found, after the carrying on any Fishery, of what Nature or Kind soever,
- 12 upon the Banks of *Newfoundland*, the Coast of *Labradore*, or within the River or Gulph of *Saint Lawrence*, or upon the Coast of *Cape Breton* or *Nova Scotia*, or any other Part of the Coast of *North America*, or having on Board Materials for carrying on any such Fishery, every such Ship or Vessel, with her Guns, Ammunition, Tackle, Apparel, and Furniture, together with the Fish, if any shall be found on Board, shall be
- 13 unless the Master, or other Person having the Charge of such Ship or Vessel, do produce to the Commander of any of His Majesty's Ships of War stationed for the Protection and Superintendance of the *American Fisheries*, a Certificate, under the Hand and Seal of the Governor or Commander in Chief of any of the Colonies or Plantations of *Quebec*, *Newfoundland*, *Saint John*, *Nova Scotia*, *New York*, *New Jersey*, *Pensylvania*, *Maryland*, *Virginia*, *North Carolina*, *South Carolina*, *Georgia*, *East Florida*, or *West Florida*, setting forth that such Ship or Vessel (expressing her Name, and the Name of her Master, and describing her Built and Burthen) hath fitted and cleared out from some one of the said Colonies or Plantations, in order to proceed upon the said Fishery, and that she actually and *bona fide* belongs to and is the whole and entire Property of His Majesty's Subjects, Inhabitants of the said Colony or Plantation.

- And, to the End that the foregoing Prohibitions, Restrictions, and Regulations, may be more effectually carried into Execution, It is hereby further Enacted by the Authority aforesaid, That it shall and may be lawful to and for all or any of the Commanders of His Majesty's Ships or Vessels of War stationed and appointed for the Regulation and Protection of the Fishery upon the Coasts of *North America*, or to and for the Commanders of any other of
- 14 His Majesty's Ships or Vessels employed at Sea, and they and



and every of them are hereby required and enjoined to examine, search, and visit all Ships and Vessels carrying on the said Fisheries, and to seize, arrest, and prosecute, in Manner hereinafter directed, all and every such Ships and Vessels, not belonging to and fitted out from *Great Britain* or *Ireland*, or the Islands of *Guernsey* or *Jersey*, which shall not have on Board the Certificate hereinbefore required.

**Provided** always, That nothing herein contained shall extend, or be construed to extend, to any Ship or Vessel belonging to the Subjects of the *French King*, which shall be found fishing, and not carrying on any illicit Trade, on that Part of the Island of *Newfoundland* which stretches from the Place called *Cape Bonaville*, to the Northern Point of the said Island, and from thence running down to the Western Side, reaches as far as the Place called *Point Riche*.

And whereas it is the Intent and Meaning of this Act, 15  
that the several Prohibitions and Restraints herein imposed upon the Trade and Commerce and Fisheries of the said Provinces and Colonies, should be discontinued and cease so soon as the Trade and Commerce of His Majesty's Subjects may be carried on without Interruption; **Be it therefore Enacted** by the Authority aforesaid, That whenever it shall be made appear, to the Satisfaction of His Majesty's Governor, and the Majority of the Council, in the Provinces of *New Hampshire* and *Massachusetts Bay* respectively, that Peace and Obedience to the Laws shall be so far restored within the said Provinces, or either of them, that the Trade and Commerce of His Majesty's Subjects may be carried on without Interruption within the same, and that Goods, Wares, and Merchandize have been freely 16  
imported into the said Provinces, or either of them, from *Great Britain*, *Ireland*, and the *British West Indian* Islands, and exposed to Sale, without any Lett, Hindrance, or Molestation, from or by Reason of any unlawful Combinations to prevent or obstruct the same, and that Goods, Wares, and Merchandize have in like Manner been exported from the said Provinces, or either of them respectively, to *Great Britain*, *Ireland*, and the *British West India* Islands, for and during the Term of \_\_\_\_\_ preceding, that then and in such Case it shall and may be lawful for the Governor and Council of such Provinces respectively, by Proclamation under the Seal of such respective Province, to notify the same to the several Officers of the Customs, and all others; and after such Proclamation,

- 17 Proclamation, this Act, with respect to such Province within which such Proclamation or Proclamations have been issued as aforesaid, shall (except as hereinafter provided) and all Officers of His Majesty's Customs, and all other Persons having Charge of the Execution of this Act, are hereby directed and required to yield and pay Obedience to such Proclamation, and to proceed in the Discharge of their respective Duties, in admitting to Entry, Clearing, and Discharging, all Ships and Vessels, and all Goods, Wares, and Merchandizes, into and out of such respective Province, in like Manner as if this Act had never been made, any Thing herein contained to the contrary notwithstanding.

- And be it further Enacted, That the Governor and Council of the Province of *Massachusetts Bay* shall and may, and they are hereby authorized and impowered, upon Application for, and  
18 on Behalf of, the Colonies of *Connecticut* and *Rhode Island*, and *Providence Plantation*, or either of them, by the Governor of the said Colonies respectively, to issue the like public Notice or Notices, by Proclamation within the said Colonies, or either of them, if it shall be proved to the said Governor and Council of *Massachusetts Bay*, by the Testimony of the Officers of His Majesty's Customs in each of the said Colonies respectively, and the said Governor and Council shall be satisfied of the Truth thereof, that the lawful Trade between *Great Britain*, *Ireland*, and the *British West Indian Islands*, is and hath been carried on in Manner hereinbefore mentioned, within the said Colonies of *Connecticut*, *Rhode Island*, or *Providence Plantation*, or either of them, for the Space of

- preceding the Date of such Application;  
19 and from and after such Proclamation, this Act shall, with respect to such Colonies, or either of them,

(except as hereinafter provided) and all Officers of the Customs in the said Colonies, and all others, are hereby required to pay Obedience to such public Notice of the said Governor and Council, and to proceed in the Discharge of their respective Duties, in admitting to Entry, Clearing, and Discharging, all Ships and Vessels, and all Goods, Wares, and Merchandize, into and out of such Colony or Colonies, in like Manner as if this Act had never been made, any Thing herein contained to the contrary notwithstanding.

Provided nevertheless, and it is hereby further Enacted  
and



and Declared by the Authority aforesaid, That such Proclamation or Proclamations shall not extend, or be construed to extend, to discharge or suspend any Proceedings upon any Seizure which shall have been made, or any Prosecution which shall have been commenced for any Penalty or Forfeiture inflicted by this Act, before the issuing of such Proclamation or Proclamations. 20

And it is hereby further Enacted by the Authority aforesaid, That if any Person or Persons shall give or grant any false Certificate, Cocket, or Clearance, for any of the Purposes required or directed by this Act, such Person or Persons shall forfeit the Sum of

and be rendered incapable of serving His Majesty, His Heirs and Successors, in any Office whatsoever; and if any Person or Persons shall counterfeit, erase, alter, or falsify, any Certificate, Cocket, or Clearance, required or directed by this Act, or shall knowingly or willingly make Use of any false Certificate, Cocket, or Clearance, or of any Certificate, Cocket, or Clearance, so counterfeited, erased, altered, or falsified, such Person or Persons shall, for every such Offence, forfeit the Sum of and such Certificate, Cocket, or Clearance, shall be invalid and of no Effect.

And be it further Enacted by the Authority aforesaid, 21  
That the several Forfeitures and Penalties inflicted by this Act, shall and may be prosecuted, sued for, and recovered, and be divided, paid, and applied, in like Manner as other Penalties and Forfeitures inflicted by any Act or Acts of Parliament, relating to the Trade or Revenues of the *British* Colonies or Plantations in *America*, are directed to be prosecuted, sued for, or recovered, divided, paid, and applied, by Two several Acts of Parliament, the one passed in the Fourth Year of His present Majesty, intituled, "An Act for granting certain  
" Duties in the *British* Colonies and Plantations in *America*, for  
" continuing, amending, and making perpetual, an Act, passed  
" in the Sixth Year of the Reign of his late Majesty King  
" George the Second, intituled, An Act for the better securing  
" and encouraging the Trade of His Majesty's Sugar Colonies  
" in *America*, for applying the Produce of such Duties, and  
" of the Duties to arise by virtue of the said Act, towards 22  
" defraying the Expences of defending, protecting, and securing, the said Colonies and Plantations; for explaining an Act,  
" made in the Twenty-fifth Year of the Reign of King *Charles*

“ Second, intituled, An Act for the Encouragement of the  
 “ *Greenland and Eastland Trades*, and for the better securing  
 “ the Plantation Trade, and for altering and disallowing several  
 “ Drawbacks on Exports from this Kingdom, and more effect-  
 “ tually preventing the clandestine Conveyance of Goods to and  
 “ from the said Colonies and Plantations, and improving and  
 “ securing the Trade between the same and *Great Britain* ;”  
 and the other passed in the Eighth Year of His present Ma-  
 jesty's Reign, intituled, “ An Act for the more easy and  
 “ effectual Recovery of the Penalties and Forfeitures inflicted  
 “ by the Acts of Parliament relating to the Trade or Revenues  
 “ of the *British Colonies and Plantations in America*.”

- 23 And be it further Enacted by the Authority aforesaid,  
 That if any Action or Suit shall be commenced against any  
 Person or Persons, for any Thing done in pursuance of this Act  
 of Parliament, the Defendant or Defendants in such Action  
 or Suit may plead the General Issue, and give the said Act  
 and the Special Matter in Evidence, at any Trial to be had  
 thereupon, and that the same was done in pursuance of and by  
 the Authority of this Act ; and if it shall appear so to have  
 been done, the Jury shall find for the Defendant or Defen-  
 dants ; and if the Plaintiff shall be nonsuited, or discontinue  
 his Action, after the Defendant or Defendants shall have ap-  
 peared, or if Judgment shall be given, upon any Verdict or  
 Demurrer, against the Plaintiff, the Defendant or Defendants  
 shall recover Costs, and have the like Remedy for  
 the same as Defendants have in other Cases by Law.



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